IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P. No. 2703 of 2003

DEEPAK KUMAR GUPTA SON OF LATE BHOLANATH GUPTA AGED 45 YEARS RESIDENT OF KALPANA HOME, STATION ROAD, DURG.

PETITIONER

VERSUS

1. **STATE OF CHHATTISGARH THROUGH THE SECRETARY, MINISTRY OF MINERAL RESOURCES, DAU KALYAN SINGH BHAWAN, RAIPUR.**

2. **THE PRINCIPAL SECRETARY, MINERAL RESOURCES DEPARTMENT, RAIPUR.**

3. **THE COLLECTOR (MINING DEPARTMENT), DISTRICT DURG.**

RESPONDENTS

P. R. No. 25/10/03
Presented by Shri Sanjeep Soni
dated 27.8.03

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WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ORDER(S), AND/OR DIRECTION(S) IN THE NATURE OF WRITS

XI-HC-22

(43)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2703/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश–

05.09.2003

Shri B.P. Sharma, counsel for the petitioner.

Shri Ranbir Singh, Govt. Adv. for the State.

Heard.

By this writ petition under Articles 226 & 227 of the Constitution of India, the petitioner seeks to challenge the inaction on the part of the respondent authorities i.e. respondent no.2 in not disposing of the application for grant of mining lease made by the petitioner on 17.09.2001.

The petitioner's petition is that he made an application for grant of mining lease under the Mineral Concession Rules, 1960 over the land bearing Khasra No.2820 measuring area 14.50 hectares situated at Village Thanod Distt. Durg and the petitioner paid the prescribed fee in the office of the respondent no.2 through the respondent no.3. Copy of the application submitted and the challans are filed as Annexure P-1. After filing of the application, objections were invited from the general public and a report of the Halka Patwari was also called for. No objection was raised by anybody and the Patwari has also recommended for the grant of lease in favour of the petitioner vide his report-dated 29.09.2001. By issuance of a public notice objections were also invited from the villagers but no objection was received and even the Sarpanch of the Village Thanod Distt. Durg has given a certificate (Annexure P-5) stating that if the mining lease over the said land is granted to the petitioner the Panchayat has no

(44)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक 2708 / सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

objection. Even the Mining Inspector, Durg has also given his report in favour of the petitioner and stated that it will increase revenue of the government, if the lease is granted to the petitioner. Even the Collector, forwarded all the documents of the petitioner for consideration of the government but thereafter since the year 2002 no decision has been taken by the government. Learned counsel for the petitioner submits that in the given circumstances the government may be directed to consider the application of the petitioner to which the learned Deputy Advocate General has no objection.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the respondent no.2 Principal Secretary, Ministry of Mineral Resources Department is directed to consider the application and all other documents of the petitioner and if the petitioner is found eligible in accordance with the prevailing rules and system then after considering the request of the petitioner, respondent Secretary should pass an appropriate reasoned order within a period of one month from the date of receipt of the order.

With this observation the petition stands disposed of. Consequently, I.A. No.8200/2003 for urgent hearing also stand disposed of.

Certified copy as per Rules.

Sd/-
L.C.BHADOO
Judge

07/09/03

[पीछे देखिये

Roshan 8/9/03